

## **CERTIFICATION ACCEPTANCE**

Certification Acceptance (CA) is an alternative procedure authorized by 23 U.S.C. 117(a) and the ADOT/FHWA Operating Partnership (our stewardship agreement) for administering Federal-aid highway projects not on the National Highway Systems (NHS). With this procedure and partnership, the Federal Highway Administration (FHWA) delegates authority to the Arizona Department of Transportation (ADOT) for approving project development and construction administration. ADOT has the option of delegating some or all of this authority to qualified local agencies, state or federal agencies, or Indian tribes. This procedure permits a local agency to retain more of the approval authority at the local level when developing FHWA assisted transportation projects. Currently, the following Local Agencies have ADOT approval of their procedures and are authorized for self-administration:

- City of Phoenix Street Transportation Department
- City of Tucson DOT
- City of Tempe Transportation Division
- Maricopa County DOT
- Pima County DOT

The CA program does not eliminate any project development procedures. Benefits of CA to a local agency include savings in time and money since the agency has the authority to develop, advertise, award, and manage its own projects. CA requires local agencies to commit sufficient staff and other resources to project administration to ensure that all applicable state and federal requirements are met, and that the work can be accomplished efficiently. Once a local agency has been certified, the certification agreement remains in effect indefinitely unless rescinded due to lack of performance or modified by one of the parties. ADOT reserves the right to step in at anytime during the project development process and alert the CA agency that project authorization and funding could be in jeopardy when it is determined that any aspect of federal-aid or State TE Program requirements are not being observed. It must be understood that this process is through the local government DOT or transportation department or division and is not applicable to other departments such as, for example, the local's parks and recreation or planning department. TE projects administered by any other department or division within the local government other than its transportation department must have appropriate local DOT oversight.

All Federal-aid projects not on the NHS must follow State laws & procedures in the same manner as for State funded projects. Title 23 requirements pertaining to contracts (bid proposal content including Davis Bacon wage rates if applicable and DBE) and procurement procedures (competitive bidding, Brooks Act) still apply.

A CA local agency has the option of requesting that ADOT administers any given project. A local agency that has not been certified to administer FHWA projects, must obtain approval to enter into agreement for administration of the project (see Local Self-administration Procedures).

### Certification Acceptance Features

A certified agency is the approving authority for administering FHWA funded projects in the following project items:

- Location and design.
- Utility agreements.
- Railroad agreements.
- Standard consulting engineering agreements.
- Public hearings, findings, and orders.
- Plans, specifications, and estimates.
- Tied bids.
- Advertisement and award of construction contracts.
- Construction administration.
- Construction material testing and testing personnel.

FHWA and ADOT retain approval authority for the following:

- Project and federal funding authorization.
- Environmental requirements for NEPA and ESA (Endangered Species Act).
- Right-of-way certification involving acquisitions.
- Final inspection of NHS routes or large and complex projects and Emergency Relief (ER) projects.
- Equal employment opportunity programs.
- Disadvantaged Business Enterprise (DBE).
- Nonstandard Consultant Agreements, when applicable. Only local agencies with full CA status may construct federal aid projects using agency forces.

After approval of the scoping document, the CA agencies undertake design but must submit the environmental determination and related reports for ADOT and FHWA action. Likewise, before construction funds can be authorized from FHWA, the right-of-way and utility clearances must be submitted and approved by ADOT. A submittal of Stage IV construction documents and bid summary sheet to the ADOT project manager is also required to ensure funding eligibility.

**END OF DOCUMENT**